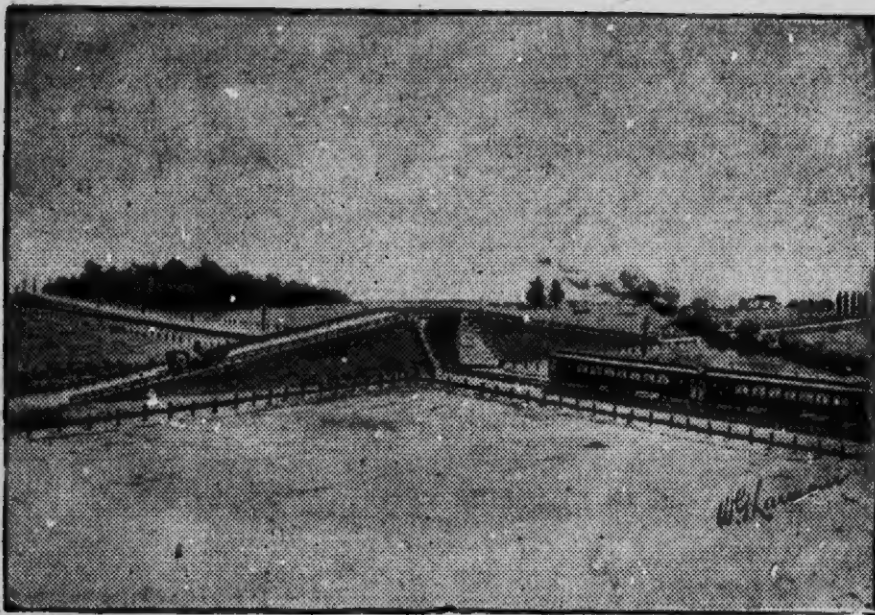


10

GENERAL VIEW
OF THE
Level Railway Crossings Question



AN OVERHEAD RAILWAY CROSSING WITH GRADE 1 IN 6.

By ROBERT LARMOUR

STRATFORD, ONT.

000000 R

EXPLANATORY NOTE

THE matter contained in this brief and unpretending little pamphlet was recently published in the Stratford Daily Herald and the Stratford Daily Beacon. The argument met with such approval as to induce the writer to have it reprinted in its present form, with the hope that by such means it might obtain wider and more general circulation.

The tendency of the times now, seem to be towards a more generous, wise and just treatment of existing railways in their operations. Heretofore, liberality and encouragement have been mostly confined to railways proposed or still under construction, but as soon as they began operating, and before anything like large earnings had been realized, we have seen the anomaly of a disposition on the part of the same community to encumber the earning powers of the roads with legislative restrictions, demands for reduced rates, increase in service, costly equipment, new buildings, new appliances, etc. In other words, railways have been treated in the most friendly way while they were spending large sums in construction, but more like a common enemy as soon as they began to do business and look for a moderate return on the money invested. In some cases this latter treatment has been carried to the verge of persecution; the inevitable outcome of which must be to discourage investment in railways, and to force capital to seek other channels of employment.

This country undoubtedly owes much of its progress to its railways, and the means of transportation is still one of the most important questions to be dealt with; therefore, a fair and just policy towards existing systems of railways would seem to be the wise one to be pursued.

March 25th, 1909.

R. L.

Editorial Introduction

The following very fair and argumentative article by Major Larmour forms a valuable contribution to the level crossing discussion. It adduces points and considerations that are lost sight of by the average person in discussing the question. Whatever the bent of mind of the reader on the subject, he will not fail to be better posted after reading Major Larmour's excellent article, which, by the way, was written prior to the bills introduced in Parliament recently by the Minister of Railways and Senator McMullen. Major Larmour makes a strong point by citing the effect of our climate upon both the subway and the overhead bridge. Apparently the only positively satisfactory solution (apart from cost) would be the carrying of the railway on a perpetual embankment, so that the highway would be left on the level. But when the cost of such a change is considered, it manifestly could not be insisted upon until our population arrives at a standard of density closely comparable to that of England.

Opinion of Dr. J. P. Rankin, M.P.

House of Commons,
Ottawa, April 3rd, 1909

Major R. Larmour,
Stratford, Ontario.

Dear Sir,—I have read your very sensible article on the "level crossing" question with much interest, and consider it a most valuable contribution on the subject.

Yours sincerely,

J. P. RANKIN.

0 900633

GENERAL VIEW

OF THE

Level Railway Crossings Question

The statement made by General Manager Chas. M. Hays, at the Stratford banquet, that it would cost fifty million dollars to abolish the three thousand level crossings of the Grand Trunk Railway System, seems to have taken the general public as well as the press by surprise, judging from the number and tone of the many articles that have appeared in the newspapers on the subject in a short time. As is usual in such cases, nearly every writer has, at least, some suggestion to offer; some go so far as to point out more definitely what should, or must, be done at once.

The suggestions cover a wide field in the way of mentioning partial remedies, alternatives, or compromises, while the more positive and decided range from the fining of a man for not stopping, looking, and listening before attempting to cross a railway track, up to the elevation of the tracks generally.

The old remedy of reducing the speed of all trains at all crossings, seems to have dropped out of the discussion.

Such a display of theory is all very well as far as it goes, and will no doubt serve some purpose in the end, but it will not solve the problem, because when closely examined, the propositions would be found

to be mainly unpractical, mostly, unreasoning, and generally, without any real merit.

We might reasonably suppose that Mr. Lancaster's act which has been so persistently urged on the attention of Parliament for years, would at least come within the range of the practical or beneficial, yet it fails to meet with the support necessary to carry it through. Why? Simply because it is found to be impractical, when it comes to the point of examination under expert authority.

If a bill were to be founded on any one, or on all the suggestions, remedies, alternatives, etc., that have been referred to, and introduced into Parliament with a view of being made law, it would no doubt meet with similar objections to that of the Lancaster Act, when brought under the focus of expert discussion.

With a view of throwing more light on the matter that is just now occupying so much public attention, the writer purposes to discuss it, in the following pages, on broader lines and from various standpoints.

What does the charter of a railway such as the G. T. R. mean to those who have invested money in its securities, and what would be the result of an attempt to legislate away, even partially, rights guaranteed to the investor by such charters? Would

it not be tantamount to confiscation or repudiation on the part of the state; which would in turn mean ruin to the credit of the country and an end to railway enterprise. For the Government to arbitrarily order the G. T. R. to provide overhead bridges or subways at the three thousand crossings, and give them five, ten or twenty years to do it in, would be confiscation, none the less.

It has been stated on the authority of the Railway Commission that ninety-five per cent. of the level crossing accidents that have been investigated officially have proved to be the result of negligence, or want of ordinary care and caution on the part of those who met with the accident. This statement no doubt includes only the more serious accidents that have been investigated, so that if the minor accidents were added, the percentage might easily reach ninety-seven or ninety-eight. From a long experience, I believe the latter figure to be more nearly correct. During my life-long close contact with level crossing troubles, I cannot recall a single instance, where the engineer has been proved to be directly responsible for causing a fatal accident through contravention of the law respecting level crossings; but relying wholly on the figures of the Commission, does it not seem somewhat unreasonable that, through a mere coincidence by which two or three serious and sadly fatal accidents should have occurred close after each other, the whole country should at once cry out for an immediate remedy in the way of abolishing the level crossing. "The level crossing must go" in order that the people should be rendered safe from the results of their own lack of ordinary care and caution, and that the railway alone should bear the enormous

expense involved, an expenditure that was neither contemplated nor provided for when the charter was granted. An expenditure that the earnings of the road are, admittedly, not yet able to bear.

It is vehemently announced by some who are loudest in their demands for the abolishing of level crossings in America, that such a thing would not be tolerated in England. To this I would simply reply that there are many things connected with the operation of railways in England that would not be tolerated in America. The conditions are altogether different, so much so, that such a statement has little or no force as an argument. It may be many years before a country such as Canada now is can afford such protection as that which prevails in England, in many other ways besides that of railways. There are others who demand that gates should be provided to protect people, I presume under the impression that gates would be less expensive than subways and overhead bridges.

For the sake of argument, let us see how this will work out as regards expense.

The initial cost of gate fixtures complete will be, at least \$500 each crossing—\$500 by 3,000 equals \$1,500,000. Annual cost of gate tenders, night and day, two men, 12 hours each, \$1,000 by 3,000 equals \$3,000,000. To this add yearly interest on initial expense, at four per cent., \$60,000. Also add oil, lamps, repairs, inspection, etc., \$20 per gate, \$60,000. We have thus a yearly charge of \$3,120,000, which would represent, at four per cent, a capital of \$78,000,000.

These figures show that the gate proposition would be in the end still more expensive than the overhead bridge and subway, unless they could

be efficiently operated by some automatic contrivance that would be more expensive than manual labor. This is not, at present, available.

There is another feature to this question that it may be well to refer to, that is the proneness of the public and I may add the press (with some worthy exceptions) when an accident occurs at a level crossing, to load the railway with the whole responsibility, without waiting for the facts in the case, or the result of a judicial enquiry. Just why this should be particularly so, where a railway company is concerned, is one of the curious manifestations of sentiment, or sympathy, on the part of the public. Even after it has been proved and admitted by a jury, in the case of death, that it resulted solely from carelessness, recklessness, or want of ordinary caution on the part of the deceased, the company is still tacitly blamed because it had not put up gates or done something else to protect the party against his own carelessness. In such cases, no notice is taken of the narrow escapes of perhaps hundreds of passengers and the train crew, that had been exposed to death or injury by such carelessness. Any experienced engineer will tell you that there is no casual obstruction on the track that he dreads more than striking a horse or cow on a level crossing, as the animal is liable to get jammed under the trucks at the cattle guards, which might result in slewing a truck, spreading the rails or pitching the engine bodily off the track and a train of passengers with it. Wrecks of this kind are happenings of rare occurrence, but they have occurred, with loss of life, just in this way, and the risk is always there. This is one reason why railway officials would

gladly see level crossings abolished, as stated by Mr. Hays, if a reasonable scheme could be arrived at, one that would not over-burden the already heavy laden financial means of the company.

There is still another phase of the level crossing to be noted, which is this: If it is replaced by an overhead bridge, with an elevation of twenty-two feet, it would produce a grade that would practically limit the load a farmer's team would be able to haul; more especially so in the winter season, as the snow would not lie on the embankment or the bridge itself; and I question very much, whether the people who would use such a crossing would not prefer the old one. A farmer who has his own level crossing, over which he has been driving for a lifetime without accident or worry, is not afraid because he knows there is no danger if he continues to use ordinary caution. He is not clamorous for an overhead structure that would cut down the load he could haul, one-half. If a plebiscite were taken in a district where the public road is used for heavy teaming and where the abolition of the level crossings would mean an overhead bridge with a grade of one in five, or one in six, and in winter bare of snow in addition, there might be more votes in favor of the old crossing and a decided and well founded objection to the new. Within my own experience I can recall instances, when there happened to be an overhead bridge crossing, where people were compelled to drive miles out of the direct route to get to a level crossing, and avoid the overhead one that made it an utter impossibility to pass with a loaded sleigh, because it was a literal bar. cade.

I can also recall instances where

the people concerned petitioned the railway company to replace the overhead crossing with a level one, for the reasons stated. Subways would, in many cases, be equally objectionable. If the most perfect drainage were not practicable, the depression of the roadway would be liable to fill up with slush and drifting snow in the winter to the extent of rendering them utterly impassible. Evidence of this kind will go to show that any hasty action in abolishing the level crossings in favor of the overhead bridge might prove a grievous mistake in many cases.

Such evidence will also show that the whole matter will require to be carefully and extensively studied out, before any general or final scheme is fixed upon as feasible, as one that will cover all the objectionable features.

The Hamilton Herald in an editorial on the subject has this to say:

"Mr. Hays made this statement (that it would cost \$50,000,000, etc.) as a sufficient reason why it would be unjust to require his company to eliminate level crossings. And so it would be unjust, if the company were to be required to bear all the cost and do the work at once. But nobody has suggested any such injustice. If the level crossing nuisance is to be abolished, the cost will have to be divided among the railways, the National Government, the Provincial Government, and the municipalities. And the thing could not be done in a year, nor in ten years, perhaps not in twenty years."

The editor then goes on to suggest, as a good plan to begin with, that an anti-level crossing clause should be inserted in every new charter or the extension of old ones. Let us follow out this scheme to its "logical conclusion," as the phrase goes.

The writer has been told that Mr. Hays has already expressed a willingness, on the part of the company, to set aside, \$200,000 per annum for the purpose; of course under certain conditions. For the sake of the argument, let us suppose that both the Federal and Provincial Governments would vote a similar sum; of course, also under certain conditions. It will not be straining possibilities in supposing they would do this, as they are generally liberal—with the people's money. The condition would be that the municipalities, the city, town, county and township voted a proportionate sum, as being the beneficiaries. But when we come to the municipalities, where the people who do the voting also have to do the paying, the matter assumes an altogether different complexion. They might consider the assumed benefits a very questionable matter; so that it will be seen at a glance that the whole scheme would thus be made dependent upon the action of the municipalities, or the very agency that can be least depended upon for carrying out such a plan. The scheme would practically become a "local option" scheme, to be carried in an odd case here and there, to be rejected in some cases, and never brought to a vote at all in many others. A very scientific way of getting rid of difficult questions.

I am free to say that there may be some level crossings today, unprotected, where the view is obstructed by buildings, embankments, high close fences, etc., to such an extent that they may well be called dangerous crossings; in that case they should not be allowed to remain so, one day longer than the time actually necessary for the removal of such obstructions, or gates being placed for their protection, but to

say that all level crossings should be eliminated because a few may be considered as dangerous, would be in my opinion, a hasty and unreasoning conclusion to arrive at without all conditions and circumstances being duly considered.

I am also free to say, that many years ago, I myself, as an official of the operating department, made the proposal that such obstructions to the view at a crossing, should be removed, but the proposition was discouraged by the legal department, on the ground that such proceedings would be taken as a precedent, which being unfairly used, might force the company into an expenditure entirely unwarranted under the circumstances.

But a great deal has been done in that direction since that time, as well as in the way of protecting such crossings by gates; a fact which was noted by Senator McMullen, in the Upper House at Ottawa, as reported in today's (March 4th) papers, in these words:

"Hon. Mr. McMullen informed his colleagues, that the railway companies had the greatest regard for human life, and had gone to great expense to promote the safety of the public."

In the same report, Sir Richard Cartwright is quoted as saying:

"He thought the bill (the Lancaster measure) had been rather rushed through the Commons owing to the unfortunate accidents which had occurred within a short space of time. The bill as worded might be the means of subjecting, not merely the railways, but the whole public to very great inconvenience and difficulty in carrying on the business of the country."

It was not intended by the writer, as previously intimated, to offer either suggestions or opinions of his own

in these papers, but merely to discuss the question in a negative manner with a view of bringing out more clear and extensive views in regard to the level crossings as a whole. It cannot be possible that the crossings have suddenly become more dangerous, or that the people have suddenly become more reckless or negligent, so that it is not a new element of danger in any respect. I venture to say on the contrary, that there is even less negligence, that is, that people are gradually becoming more cautious in a general way, and it has already been shown that railways have been doing a great deal to promote the safety of the public. But on the other hand, the difficulties in that way of abolishing level crossings, remain just the same as they have been for many years, and quite as serious; that is, the enormous expenditure of money involved and the question whether any method or scheme yet proposed would meet with general approval of those most directly interested or concerned. Canadian winters cannot be abolished nor the use of the sleigh dispensed with, and so long as these are with us, it will be a debatable question, which of the evils will be least the obstructive overhead bridges and subways, or the level crossing.

Since the above was written out, I have been told of a case where a farmer has recently brought an action for damages against a railway company because they gave him an overhead crossing instead of a level one.

R. LARMOUR

Stratford. March 5th, 1909.